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GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85147

RESOLUTION GR-97-11

A RESOLUTION APPROVING THE GILA RIVER INDIAN COMMUNITY TRIBAL EDUCATION DEPARTMENT'S TRUANCY HANDBOOK

WHEREAS, the Gila River Indian Community Council (the "Community Council") is the governing body of the Gila River Indian Community (the "Community"); a federally recognized Indian tribe; and

WHEREAS, the Community Council is empowered by Article XV Section 1 (a) (9), of the Constitution and Bylaws of the Gila River Indian Community (approved March 17, 1960), to promote and protect the health, peace, moral, education, and general welfare of the Community and its members; and

WHEREAS, there are public, parochial and Bureau of Indian Education (BIE) schools located within the boundaries of the Gila River Indian Community; and

WHEREAS, to provide uniform guidance for truancy policies among the various schools the Tribal Education Department has developed the attached Truancy Handbook in coordination with, and input from, the Children's Court judges, the Probation Department, the Prosecutor's Office, the Police Department's School Resource Officers, and Principals and Truancy Officers from the schools located within the boundaries of the Gila River Indian Community; and

WHEREAS, the Truancy Handbook provides guidance regarding jurisdiction of the Community's Children's Court and Children's Code, truancy interventions, the referral process for Teen Court, and miscellaneous information; and

WHEREAS, the Education Standing Committee has reviewed and recommends approval of the attached Gila River Indian Community Tribal Education Department's Truancy Handbook.

NOW, THEREFORE, BE IT RESOLVED, that the Community Council hereby approves the Gila River Indian Community Tribal Education Department's Truancy Handbook, which is attached to this resolution.

BE IT FURTHER RESOLVED, that the Truancy Handbook shall become effective on the date approved by Community Council.

BE IT FINALLY RESOLVED, that the Governor, or in his absence, the Lieutenant Governor, is hereby authorized to execute any and all document necessary to effectuate the intent of this resolution.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a) (7), (9), (18), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the tribe January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing resolution was adopted on the 6th of July 2011, at a regular Community Council meeting held in District 3, Sacaton, Arizona at which a quorum of 16 Members were present by a vote of: 16 FOR; 0 OPPOSE; 0 ABSTAIN; 1 ABSENT; 0 VACANCIES.

GILA RIVER INDIAN COMMUNITY



GOVERNOR 7.14.11

ATTEST:


COMMUNITY COUNCIL SECRETARY 7.14.11

What is Truancy?

Truant means a child, who is absent from school for five or more days during any school semester and/or not formally enrolled, who does not have a valid excuse.

Jurisdiction

All students, without regard to domicile, are subject to the truancy ordinance.

As long as a child is an enrolled Community member, or those eligible for membership under 18 years of age, is bound to comply with GRIC ordinances, regardless of residency. These children commit a violation of GRIC law when they fail to attend school, whether the school is physically located on or off the reservation.

Gila River Indian Community Truancy Ordinance

7.603. Truancy.

A. It is unlawful for any child between the ages of five and eighteen years of age that fails to enroll and attend school more than five days during any school semester without a valid excuse shall be considered truant.

1. Any child who is truant from school without a valid excuse may be subject to adjudication as a status offender.
2. Truancy matters against children or a child's parent(s) or guardian(s) may be initiated by any of the following individuals or agencies:
 - a. Law enforcement officials;
 - b. TSS worker;
 - c. The Protective Services Attorney;
 - d. Parent or court appointed guardian;
 - e. Principal, or his designee of a school;
 - f. Truancy officer;
 - g. Probation Officers.
3. A truancy officer shall be authorized to investigate a child's absence from school to determine if cause exists to file a truancy petition or citation. A truancy officer shall also be authorized to issue and prosecute a citation or petition for truancy against a child absent from school without a valid excuse, and against that child's parent(s) or guardian(s).

4. Petitions filed under section 7.603 shall conform to the requirements set forth in section 7.601.B., with the exception that petitions shall be signed by the person or party making an allegation of truancy and shall set forth his capacity or interest in bringing the allegation.
5. Although petition or citations can be filed and prosecuted under section 7.603 without the authorization or participation from the Protective Services Attorney, nothing herein shall prevent the Protective Services Attorney from initiating or prosecuting any petition or citation arising under this section.
6. Before a truancy officer may file a petition or issue a citation under this section, the truancy officer and/or the child's school shall make reasonable efforts to get the child to attend school, which may include:
 - a. Telephone calls to the child's parent(s) or guardian(s);
 - b. Correspondence sent to the child's parent(s) or guardians(s);
 - c. Meeting with the child's parent(s) or guardian(s);
 - d. Visits to the child's home; or
 - e. Provide information to various agencies to assist the child and/or family to address or overcome any issues or impediments that hinder the child's regular attendance at the school.
7. The reasonable efforts taken by the child's school and/or the truancy officer must be included in the petition or citation, either in the body or as an attachment.
8. Absences due to suspension or expulsion from school shall not be considered excused under this section.

NOTE: Taken from Ordinance GR-03-16, also known as the Children's Code of the Gila River Indian Community Law and Order Code

Purpose of the Truancy Ordinance

The purpose of the ordinance is to encourage, enable and empower children, parents/guardians, and schools to ensure the education of GRIC children by:

- Encouraging early intervention through application of the process;
- Providing children and parents/guardians access to resource agencies for services and referrals;
- Enhancing the ability to enforce said ordinances and;
- Allowing schools to issue petitions.

Valid Excuse means:

Your child will not be cited if:

- a. The child is less than five (5) years old; enrolled in a Court approved home-school or online program; has received a high school diploma, has obtained a high school graduate equivalency diploma; or has otherwise satisfied the

- requirements of graduation as established by the school district in which he resides or discretion of the Court.
- b. The child is ill, as documented by a medical professional for an absence longer than five consecutive days.
 - c. Absences, confirmed by a parent(s) or guardian(s), for medical treatment, appointments, and hospitalizations of a duration not longer than five consecutive days.
 - d. The child suffers from a physical or mental condition that the school determines makes it impractical for the child to attend school, left out even with reasonable accommodations.
 - e. Death of a family member for a period of up to five consecutive days.
 - f. Attendance at religious or cultural events.
 - g. Participation in a school-sponsored or authorized activity
 - h. Required court attendance, as evidenced by a notice of appearance, subpoena, or other order of the court.
 - i. Family event for which prior notice is given such that the child will be able to continue coursework while away from school and maintain the level of progress customary prior to absences.
 - j. For other good cause, as determined in advance by the appropriate school official, after consultation with the child's parent(s) or guardian(s).

NOTE: Schools have internal control. In petitions filed before the courts, it will be the responsibility of the school to bear the burden of proof according to the GRIC Ordinance.

Truancy Officer

Truancy officer means a person employed or designated by the Community or a school, where children attend classes, to enforce the truancy provisions of the Gila River Indian Community Code, including the prosecution of status offenders and their parents or guardians.

A truancy officer shall be authorized to investigate a child's absence from school to determine if cause exists to file a truancy petition or citation. A truancy officer shall also be authorized to issue and prosecute a citation or petition for truancy against a child absent from school without a valid excuse, and/or against the child's parent(s) or guardian(s)

Truancy Intervention

Before a truancy petition is filed by a school's designated Truant Officer, the designee must make reasonable efforts to contact the parents/guardians and the child to determine the reason for the truant behavior and work with the family to resolve it. Reasonable efforts will vary according to the circumstances of a particular situation and will ultimately be determined by the Court. If it is a first offense for a child between the ages of 10 and 18, a referral to Teen Court should be part of those reasonable efforts.

Schools must make reasonable efforts to get children into school. These efforts include, but are not limited to, the following:

- The school will contact parent/guardians by phone and document the attempt/conversation every time a child is absent without a valid excuse. In the event that parents/guardians cannot be contacted by phone, a letter will be sent by the Attendance Office.
- Letters will be sent home on the 3rd, 5th, and 9th unexcused absence (whether consecutive or not) in a given semester.
- After any absence, the Truancy Officer or designee will make a home visit. During this visit the Truancy Officer will attempt to discover why the child has not been in school and discuss the truancy ordinance and the possible consequences for failure to comply with the ordinance. At this time the Truancy Officer will also provide the parent with a copy of the Truancy Reference Guide and review those sections pertinent to the family's stated problem. The Truancy Officer must convey to the parent that after this visit, the child is expected to return to school regularly and failure of the child to return to school regularly will result in serving a petition.

Referral Process:

- Interventions – School's Referral to other agencies, letters, home visits, contracts
- Referrals – Truancy Teen Court Program, School Counselor, Social Worker, School Resource Officer (SRO)
- Home Visits – Truancy Officer Agreement
- Petition – Contact and Referral (contact logs, Truancy Teen Court Program Referral and School Records)
Child Truancy Process
Copy of Truancy Officer's record 1-4

Once the child has completed the Truancy Teen Court Program, the Court will send a notice to the referring school on successful or failure to complete the program

NOTE: Use discretion with children who are too young to be in control of their attendance situation.

Truancy Teen Court Program Referral Process

Teen Court is on a voluntary basis. When making a referral the following process will be followed:

- Step 1:** Fill out appropriate referral form.
- Step 2:** Attach the contact log and any supporting documents of reasonable efforts including the child's attendance record to the referral form.
- Step 3:** Make sure to indicate the school name in the blank for "agency" on the referral form.
- Step 4:** Keep on copy for the school file and issue a copy to the child and parent/guardian.

- Step 5:** Hand-deliver the “Original Copy” to the Probation Department at the GRIC Courthouse.
- Step 6:** Have the Probation Department log in your referral.
- Step 7:** After logging in your “Original Copy” of you referral the original goes To the Truancy Teen court Program.
- Step 8:** The Teen Court Coordinator will determine if the student is eligible for the program through their referral process.
- Step 9:** Once the student successfully or unsuccessfully completes the program the school making he referral will be notified.

Petition Process

- Step 1:** Prepare all supporting documentation of truancy (attendance records documentation of telephone calls, copies of letters sent to parent/guardians documentation of home visits).
- Step 2:** Complete the petition form per instructions provided.
- Step 3:** Make certain the petition form shows the dates of absences.
- Step 4:** Attach a copy of the school’s attendance policy and a printout of child’s absences to the original petition (Court copy)
- Step 5:** Make four (4) copies of the petition and all supporting documents and submit to:
 1. Courts
 2. Law Office (schools shall mail or hand deliver)
 3. Defendant
 4. School
- Step 6:** Deliver the petition with supporting documents to the appropriate GRIC Children’s Court (Sacaton and west side Courts are open Monday through Friday, 8:00 a.m. to 5:00 p.m.)
- Step 7:** The court clerks will time and date stamp all copies of the petition.
- Step 8:** Submit the original petition with supporting documents (court copy) plus an additional copy of the petition (for the defendant), to the Court Clerk. The additional copy of the petition is for the Court to send to the parents along with the Notice of Hearing.
- Step 9:** Hand deliver or mail one copy of the petition to the GRIC Law Office.
- Step 10:** Keep the final copy for the school file. Continue collecting documentation of reasonable efforts to get the child in school and records of absences. Provide these to the Law Office and bring all supporting documents with you to the hearing.

NOTE: A petition form is needed for each person being served. Provide copies of supporting documentation to accompany each petition.

The Court will schedule a date and time for the hearing, notify the family, and notify the school and the Protective Services Office of the upcoming hearing within 10 days of the filing of the petition.

Miscellaneous Information

Whom to Petition:

The schools may petition any child between the ages of 5 to 18 years of age. Use discretion when citing a child who is under the age of 13;

- Cite PARENTS if the child is fifteen or younger and *only* if the parent knowingly permits the child to be truant.

Abuse of System:

In the event you suspect abuse of the system, i.e., a student has 40 “excused” absences, track the “excuses”.

Continuances:

The Court may continue the matter if the parent or child is not present at the 1st court hearing, to ensure the parties were properly served with notice of the hearing. If the parent and/or child are not present at the 2nd court hearing, the truant officer may request a default judgment (found guilty) or a judge may decide to issue a bench warrant (Order To Show Cause).

Timeline (Estimates Only):

- An Initial hearing will be held within 10 days of filing a petition
- Within 2-3 weeks a Pre-adjudication hearing will be held.
- 2-3 weeks to trial (if not resolved at the initial or pre-adjudication hearing).

Conduct:

- When bringing a matter to Court, the Truant Officer should dress professionally (no jeans, shorts, or tennis shoes). All court visitors will go through a security check point. Once you find the appropriate courtroom you *must wait outside that room until you are called.*
- When you are called in and the Judge enters or leaves the bench/courtroom, all must rise. Address the Judge as *Your Honor* and wait until you are asked to introduce yourself. Never interrupt a Judge; wait your turn to speak.
- The presentation will be based upon the petition and attachments; be prepared to comment on any changes since the filing of the petition.
- Expect to be cross-examined by the accused and prepare to interview the family about information they bring to the Court.
- Be open to resolving the case informally if the opportunity presents itself. use agreement forms when this happens.

Safety:

Always take precautions to ensure safety when making home visits:

- Travel in pairs:
- Do not make home visits after dark.

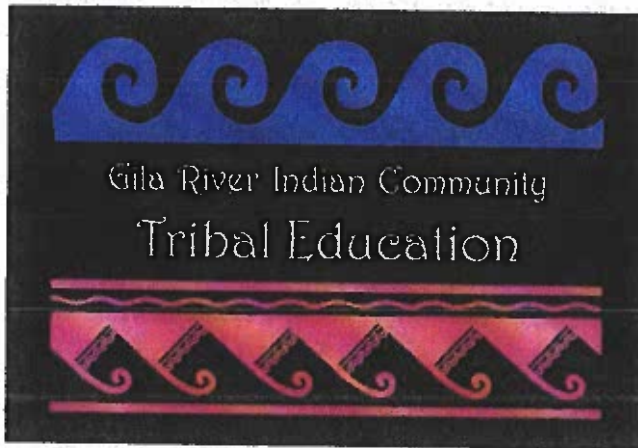
Penalties:

Students	Parents
Referred to Truancy Teen Court Program.	Subject to fines up to \$500 and garnishment of per capita payments by the Children's Court.
Made a Ward of the Court by petition filed by the Protective Services Attorney's Office.	Subject to criminal prosecution in the Adult Criminal Court and fines up to \$500 and detention up to 180 days.
Placed under supervision of the Children's Court for up to 1 year.	

Tribal Education Department
P.O. Box 97
Sacaton, AZ 85147
520-562-3662

GRIC Law Office
P.O. Box 97
Sacaton, AZ 85147
520-562-6200

GRIC Probation Office
P.O. Box 368
Sacaton, AZ 85147
520-562-9270 (Sacaton)
520-550-3811 (Laveen)



TRUANCY PROCESS FORMS

- TRUANCY PROCESS
- TRUANCY CONTACT LOG (3)
- TRUANCY TEEN COURT REFERRAL
- TRUANCY OFFICER/STUDENT AGREEMENT FORM
- JUVENILE TRUANCY PETITION

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TRUANCY PROCESS

STEP ONE

First Contact - The Truancy Officer will contact the parent/guardian by phone each time the student is absent. If the parent/guardian cannot be contacted by phone, the truancy officer will send out a letter.

STEP TWO

Second Contact – Letters will be sent home on the 3rd, 5th, and 9th unexcused absence in a given semester. **(Whether consecutive or not)**

STEP THREE

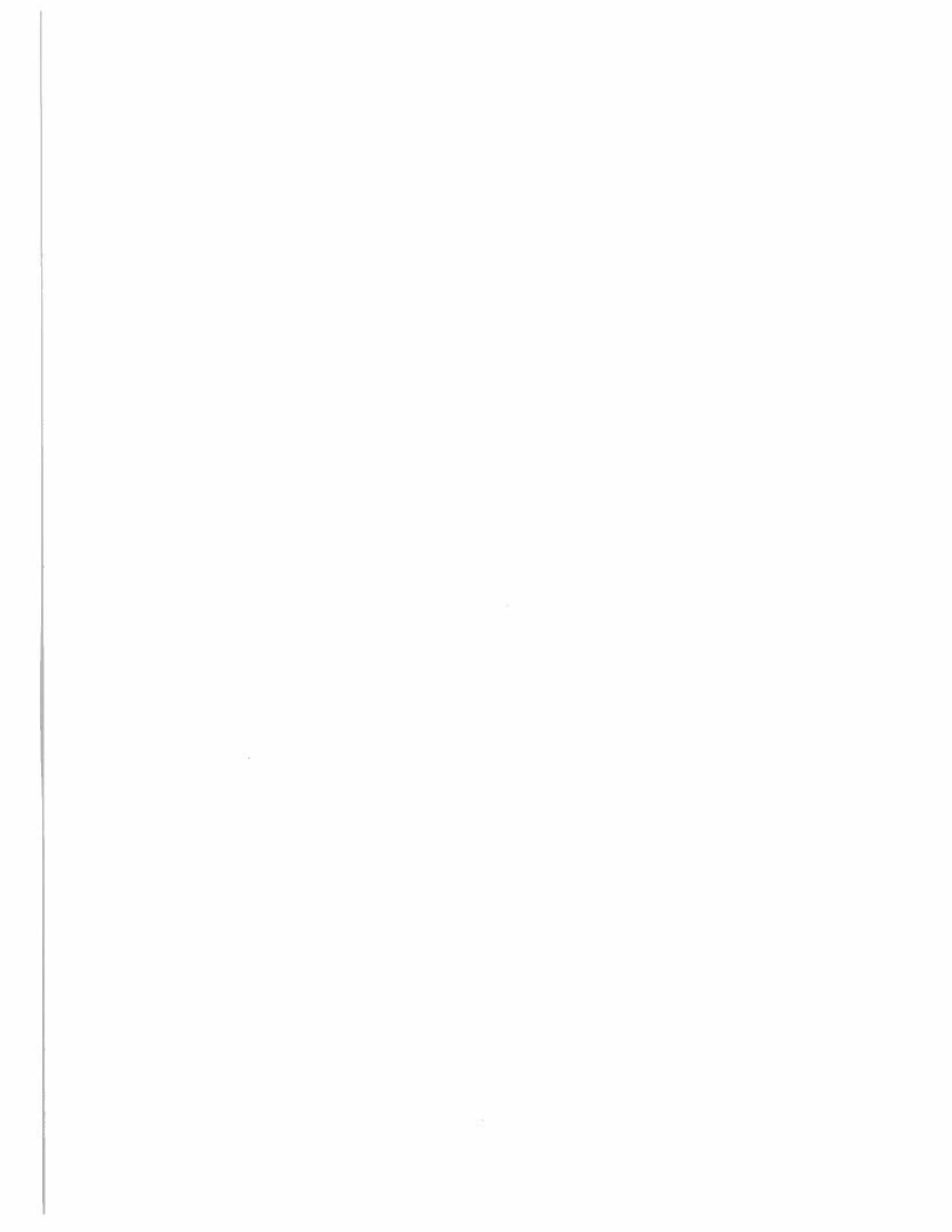
Third Contact – After the 5th absence, the Truancy Officer will make a home visit. During the home visit the Truancy Officer should attempt to find out why the student isn't in school. Explain the truancy ordinance and the possible consequences if the parent/student fails to comply.

The Truancy Officer will provide the parent/guardian with a copy of the Truancy Handbook and go over the sections that will fit the needs of the families stated problems.

The Truancy Officer will notify the parent/guardian that after this visit the student must return to school regularly. Failure to do so will result in filing a referral to Teen Court for children over 10 years of age or the filing of a Juvenile Truancy Petition with the Gila River Children's Court.

Penalties:

Students	Parents
Referred to Truancy Teen Court Program.	Subject to fines up to \$500 and garnishment of per capita payments by the Children's Court.
Made a Ward of the Court by petition filed by the Protective Services Attorney's Office.	Subject to criminal prosecution in the Adult Criminal Court and fines up to \$500 and detention up to 180 days.
Placed under supervision of the Children's Court for up to 1 year.	





Gila River Indian Community Truancy Contact Log

Minor _____ DOB/Age _____

Parent/Guardian _____ Phone # _____

Home location _____

Teacher/Grade _____ P.O Box _____

Issues Present/Identified: _____

Contact made by: **Phone** **Letter (mailed)** **Home visit**

Date/Time of Contact _____ Spoke with: _____

Reason for Contact: _____

Notes: _____

Staff _____ Parent/Guardian _____

Contact made by: **Phone** **Letter (mailed)** **Home visit**

Date/Time of Contact _____ Spoke with: _____

Reason for Contact: _____

Notes: _____

Staff _____ Parent/Guardian _____

11
12
13
14
15

Minor _____

Pg _____

Contact made by: Phone Letter (mailed) Home visit

Date/Time of Contact _____ Spoke with: _____

Reason for Contact: _____

Notes:

Staff _____ Parent/Guardian _____

Contact made by: Phone Letter (mailed) Home visit

Date/Time of Contact _____ Spoke with: _____

Reason for Contact: _____

Notes:

Staff _____ Parent/Guardian _____

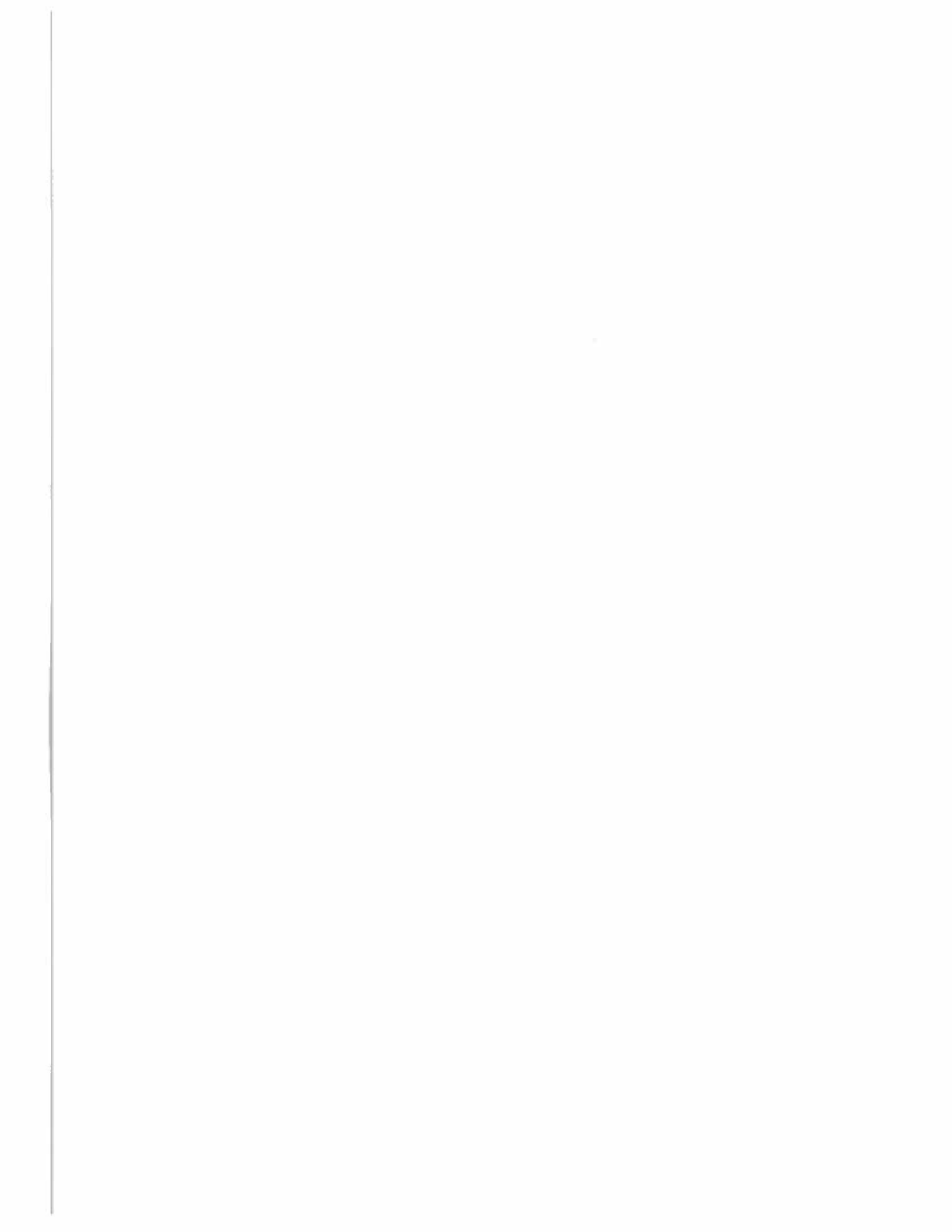
Contact made by: Phone Letter (mailed) Home visit

Date/Time of Contact _____ Spoke with: _____

Reason for Contact: _____

Notes:

Staff _____ Parent/Guardian _____





Gila River Indian Community
Judicial Branch
Probation Department
Diversion Program
Truancy Teen Court Referral



Date of Referral: _____

Referring Person: _____ Telephone Number: _____

Referring Agency: _____

Name of Minor: _____

Date of Birth: _____ . Age: _____

Parent/Guardian: _____

District/Village: _____

Mailing Address: _____

Physical Address: _____

Home Phone: _____ Message Phone: _____

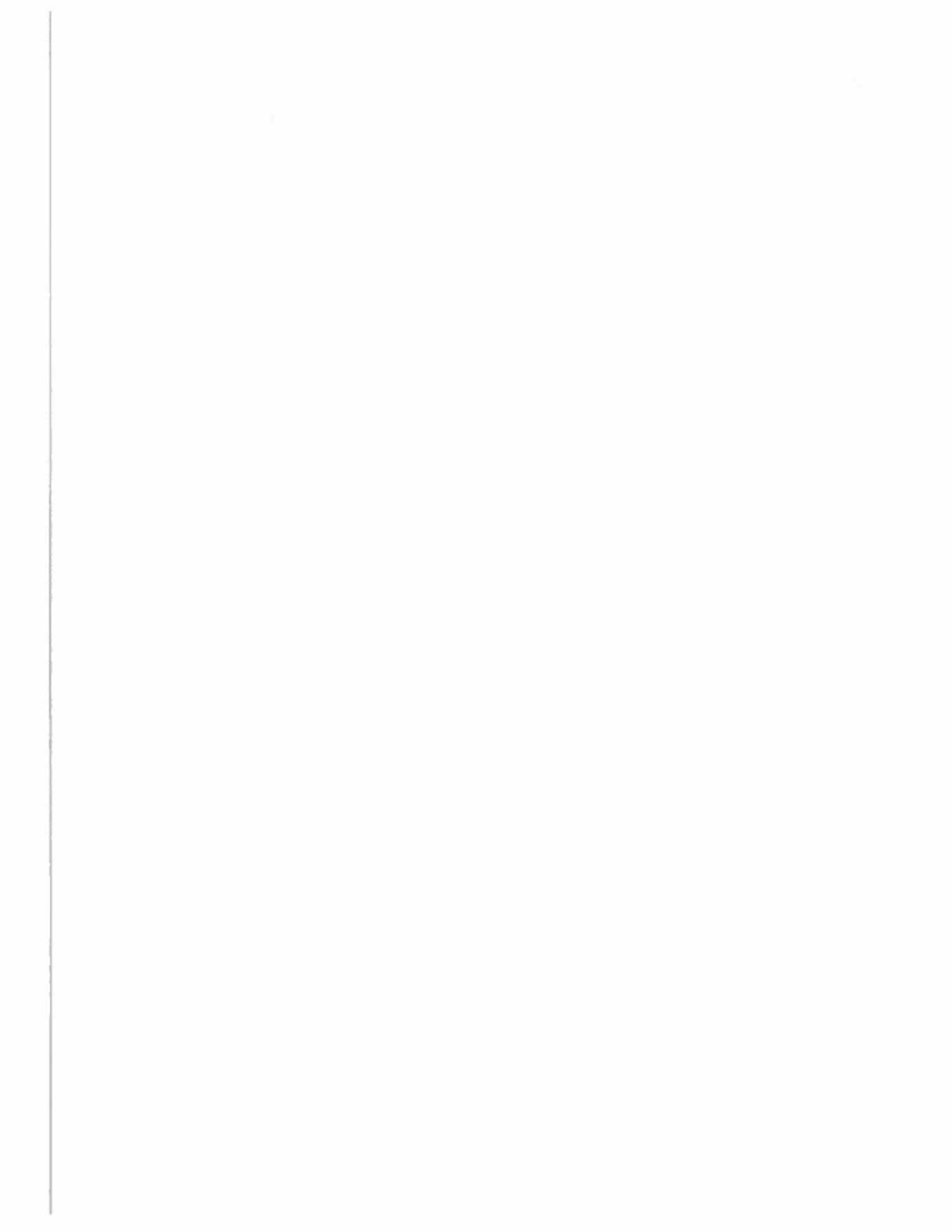
Is Minor Pending any Court Hearings? _____

Is Minor Currently in Detention? _____

Reason Minor is being referred: _____

Signature: _____ Date: _____

Referring Agency Representative





_____ SCHOOL
Truancy Officer/Student Agreement Form

This written agreement between Truancy Officer and the Parent(s) / Guardian(s) / Minor is the **last attempt** to address the on going truancy problems. Failure to comply with the terms of agreement will result in filing your case with the Gila River Children's Court/Teen Court.

The student must return to school regularly and will not be absent without a valid excuse as stated below but not limited to:

1. Illness w/documentation
2. Medical treatment, Appointment, Hospitalization
3. Physical or Mental condition
4. Death in the family
5. Attending Religious or Cultural events
6. Participation in authorized school activities
7. Court ordered appearance w/documentation
8. Family events w/prior notice
9. For other good cause, as determined in advance by the Appropriate school official, after consultation with Minor's parent or guardian.

If the student receives any other unexcused absences within the semester the truancy officer will immediately file a Truancy Petition/Teen Court Referral with the Gila River Judicial Court.

Minor

Date

Parent(s)/Guardian(s)

Date

Truancy Officer

Date

100
100
100
100

Juvenile Truancy Petition
 Gila River Indian Community Court
 Sacaton Court – (520) 562-9865
 Westend Court – (520) 562-9862

Docket No. _____

RESPONDENT MINOR		Name (FIRST, MIDDLE, LAST)		Grade	D.O.B.
School		District	School Mailing Address		
PARENT/GUARDIAN		Name (FIRST, MIDDLE, LAST)		Relationship	
Mailing Address		City, State	Zip Code	Phone	
Physical Address		City, State	Zip Code		

Title Seven, Chapter One, Section 7.104 of the Gila River Indian Community Children’s Code grants jurisdiction to the Children’s Court over every legal action involving the protection of children or the adjudication of Status Offenders within the Community.

**THE FOLLOWING OFFENSES ARE ALLEGED IN VIOLATION OF THE
 GILA RIVER INDIAN COMMUNITY CHILDREN’S CODE:**

Section 7.603.A Truancy Violation by Respondent Minor

Respondent Minor has, without valid excuse as defined by Section 7.103.A.76, failed to attend the above-named school for more than five (5) days during any school semester.

Section 7.603.A.10.E Truancy Violation by Parent/Guardian

Parent/Guardian has knowingly permitted the Respondent Minor to fail to attend the above-named school, without valid excuse as defined by Section 7.103.A.76, for more than five (5) days during any school semester.

Respondent Minor has failed to attend school on the following dates: (In the space below, school staff must list AT LEAST six (6) dates that Respondent Minor is alleged to have been truant.)

1) _____, 20__	4) _____, 20__
2) _____, 20__	5) _____, 20__
3) _____, 20__	6) _____, 20__

I certify that I believe the person named above committed the acts described. I further certify that the school staff have made reasonable efforts to get the Respondent Minor to attend school. Documentation of these efforts is attached.

Date: _____ Signature: _____

Position: _____ Printed Name: _____

